

MEMO ENDORSED



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 7, 2016

BY ECF AND HAND

The Hon. William H. Pauley III
United States District Judge
500 Pearl Street
New York, NY 10007

Re: In re Various Grand Jury Subpoenas, 12 Misc. 381 (WHP)

Dear Judge Pauley:

The Government writes to clarify several facts proffered at last Thursday's oral argument concerning interactions between representatives of Subject E and Beda Singenberger. These facts, which the Government learned from Subject E's accountant (the "Accountant"), bear directly on the ability of Subject E and her counsel to acquire account documents and information from Singenberger. Specifically, the Accountant, in grand jury testimony from July 2016, attached hereto as Exhibit 1, testified to the following facts:

- The Accountant and a lawyer ("Lawyer E") met with Singenberger in Switzerland approximately three to five years ago to discuss, in substance and in part, providing services to clients of Singenberger who wished to participate in the IRS's Offshore Voluntary Disclosure Program ("OVDP"). Tr. 27-28, 31-34. Lawyer E and Alain Leibman have both served as legal counsel to Subject E, and both have worked with the Accountant in the course of their representation of Subject E. Tr. 45-46.
- Following the meeting between the Accountant, Lawyer E, and Singenberger in Switzerland, and as recently as several years ago, Singenberger's office willingly provided the Accountant and Lawyer E with documents relating to accounts held by trusts set up by Singenberger for U.S. taxpayer clients when those clients requested those documents in order to submit them to the IRS as part of the OVDP. Tr. 33-36, 43.
- In 2012 (after the service of the first of the two subpoenas at issue in this matter), in relation to Subject E's 2010 tax filings listing distributions from the Subpoena E

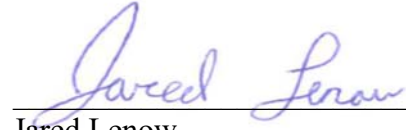
Foundation, the Accountant informed the IRS that the Subpoena E Foundation was located in Panama City, Panama. The Accountant learned of the location of the Subpoena E Foundation from Subject E's legal counsel. Tr. 58-59.

The Government respectfully requests that the enclosed transcript be filed under seal since it concerns grand jury testimony in an ongoing investigation.

Respectfully submitted,

PREET BHARARA
United States Attorney

By:


Jared Lenow
Assistant United States Attorney
(212) 637-1068

Enclosure

The Government's request to seal the enclosed transcript under seal is granted.

Cc (by Email):

Alain Leibman, Esq.
Matthew S. Adams, Esq.

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

11-7-16